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REMARKS

In the Office Action the Examiner noted that claims 11-22 are pending in the application, and the Examiner rejected all claims. By this Amendment, claims 11-15 and 18-19 have been amended. No new matter has been presented. Thus, claims 11-22 remain pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

Claim Rejections Under 35 USC §102

In item 2 on pages 2-3 of the Office Action the Examiner rejected claims 21-22 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0198235, issued to Sano (hereinafter referred to as "Sano"). The Applicants respectfully traverse the Examiner's rejections of these claims.

Claim 21 of the present application recites a velocity determining device determining at least one of actual velocities and relative velocities of the at least one of mobile stations and mobile interference sources. In other words, both the mobile stations and the mobile interference sources are not fixed in position, and therefore the relative velocities are between two mobile bodies. The Applicants respectfully submit that Sano does not disclose or even contemplate such a feature.

The Examiner alleged that Sano discloses a velocity determining device determining at least one of actual velocities and relative velocities of the at least one of mobile stations and mobile interference sources. However, the Applicants respectfully submit that Sano merely discloses a single mobile station and a plurality of base stations, with the base stations potentially producing interference to the mobile station. Therefore, the base stations are apparently being characterized as the interference sources recited in claim 21. These base stations are fixed network entities, as opposed to the moving devices recited in claim 21, such as in an ad-hoc mobile system.

Claim 21 also recites a threshold determining device determining a threshold value for a minimum difference between a desired received signal and an interference signal. Sano merely discloses a difference between a signal combined at the mobile station, in order to gain diversity, and an interfering signal not used for diversity combining, but being stronger than all other interferers. This is in direct contrast to the threshold value recited in claim 21, which is

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determined as a difference between a desired received signal and an interfering signal, which is used to estimate a time duration which could guarantee interference-avoiding transmission.

Further, claim 21 recites a carrier scanning device at least one of determining and identifying an interference free carrier for intended transmission of a sequence of data. The Applicants respectfully submit that Sano merely discloses a method to measure the received power from all interfering base stations in order to identify the amount and subsequently suppress the power. This is in direct contrast to the interference free carrier of claim 21, which is used to avoid such interference.

Therefore, Sano does not disclose or suggest at least the features of claim 21 discussed above. Accordingly, Sano does not disclose every element of the Applicants' claim 21. In order for a reference to anticipate a claim, the reference must teach each and every element of the claim (MPEP §2131). Therefore, since Sano does not disclose the features recited in independent claim 21, as stated above, it is respectfully submitted that claim 21 patentably distinguishes over Sano, and withdrawal of the §102(e) rejection is earnestly and respectfully solicited.

Claim 22 depends from claim 21 and includes all of the features of that claim plus additional features which are not disclosed by Sano. Therefore, it is respectfully submitted that claim 22 also patentably distinguishes over Sano.

Claim Rejections Under 35 USC §103

In item 5 on page 3-6 of the Office Action the Examiner rejected claims 11-20 under 35 U.S.C. §103(a) as being unpatentable over Sano in view of U.S. Patent Application Publication No. 2002/0044614, issued to Molnar et al. (hereinafter referred to as "Molnar"). The Applicants respectfully traverse the Examiner's rejections of these claims.

Claim 11, as amended, recites checking a radio interface for an interference signal of an interference source, by at least one of a first moving transmitting station and a first moving receiving station, to detect an approach of the interference source relative to the first receiving station. Therefore, similar to the previous discussion of claim 21, claim 11 recites mobile transmitting and receiving stations, and an approach of the interference source relative to the first mobile receiving station is detected. The Applicants respectfully submit that neither of the cited references, taken either alone or in combination, discloses or suggests at least these features of claim 11.

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As previously discussed in this Amendment, Sano apparently merely discloses suppressing interference to a mobile station from a plurality of base stations in a cellular network, the base stations being fixed rather than mobile. Sano discloses an interference suppression controller in the mobile station, which generates a transmission power suppress command to the corresponding non-mobile base station (Abstract). Therefore, as previously submitted, Sano does not disclose, suggest, nor even contemplate mobile transmitting and receiving stations, and generating a transmission signal at the first mobile transmitting station for transmitting a sequence of data to the first mobile receiving station. Therefore, it is respectfully submitted that claim 11 patentably distinguishes over Sano.

Further, Molnar apparently merely discloses an interference map having information regarding a plurality of co-channel interference sources. Therefore, it is respectfully submitted that Molnar does not cure the many deficiencies of Sano in regard to claim 11. In order to form a proper §103 rejection, the cited references must disclose all of the features of the rejected claim. Thus, as claim 11 patentably distinguishes over Sano and Molnar, taken alone or in combination, the Applicants respectfully request the withdrawal of the Examiner's §103 rejection of claim 11.

Claims 12-20 depend from claim 11 and include all of the features of that claim plus additional features which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claims 12-20 also patentably distinguish over the cited references.

Summary

In accordance with the foregoing, claims 11-15 and 18-19 have been amended. No new matter has been presented. Thus, claims 11-22 remain pending in the application.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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